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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,732	10/30/1998	CHRISTOPHER D. WILLIAMS	042390.P6485	3453

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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

31

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/183,732

**Applicant(s)**

WILLIAMS ET AL.

**Examiner**

Andrew Y Koenig

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18,33-36 and 46-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,33-36 and 46-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18, 33-36, and 46-55 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18, 34, 36, and 46-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,589,892 to Knee et al. (Knee) in view of U.S. Patent 5,758,257 to Herz et al. (Herz).

Regarding claims 1, 6, 11, and 16, Knee teaches a plurality of favorite channel lists for at least three individual users (col. 30, ll. 50-67). Knee teaches selecting buttons on the remote control (fig. 4, labels 48A-48C, col. 30, ll. 52-55), which reads on receiving user identification at the entertainment system. Knee teaches adding and deleting channels from the favorite channel lists, such as shown in figure 8 (col. 28, ll. 34-52), wherein the user can add and delete programs from the list (col. 28, ll. 58-64). Upon selection of the icon on the remote as discussed above, the system provides the associated favorites channel list along with category preference lists (col. 32-33, ll. 65-7). Knee teaches displaying the lists to the user on the remote control (fig. 4, labels

Art Unit: 2611

48A-48C, col. 30, ll. 52-55), receiving selection of the list via the remote control, and displaying the selected list (fig. 8, 19). Upon selection of the button, Knee selects a single list for the user, but is silent on identifying plural lists corresponding to the user. Herz teaches using moods to provide additional lists to the user (col. 45, ll. 30-33), wherein the user can select from a plurality of user-defined lists, based on their mood (col. 17, ll. 45-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee by providing a plurality of lists as taught by Herz in order to enable the user to select their mood thereby providing more desirable programming to the user.

Regarding claims 2, 7, 12, 17, and 52, Knee teaches a set top (abstract), which provides the selected audio and video from a source.

Regarding claims 3, 8, 13, 18, 54, and 55, Knee teaches selecting a channel (col. 14, ll. 30-43), further Knee teaches accessing the program guide information independent from the preference list (as shown in fig. 5, col. 6, ll. 40-59, col. 10, ll. 26-33, col. 14, ll. 20-29), and tuning to the appropriate channel, and accessing a programming guide database to determine a component associated with the programming, such as channel information.

Regarding claims 4, 9, 14, and 53, Knee teaches incrementing channels (14-30-44), the limitation of selecting and accessing has been already discussed.

Regarding claims 5, 10, and 15, Knee teaches incrementing through the channels, which as shown in fig. 5, which permits the user to continuously increment through the channels (col. 14-15, ll. 63-12).

Regarding claims 34 and 36, Knee teaches continually updating the lists to reflect programming at a given time (col. 10, ll. 29-33), which reads on automatically selecting additional ones of the channels at predetermined intervals.

Regarding claims 46 and 49, as discussed in claim 1, the combination of references teaches user generated lists.

Regarding claim 47, Knee teaches storing the lists (col. 28, ll. 53-54).

Regarding claims 48 and 50, as discussed in claim 1, the combination of references teaches user generated lists.

Regarding claim 51, Knee teaches a plurality of favorite channel lists for at least three individual users (col. 30, ll. 50-67). Knee teaches selecting buttons on the remote control (fig. 4, labels 48A-48C, col. 30, ll. 52-55), which reads on receiving user identification at the entertainment system. Knee teaches adding and deleting channels from the favorite channel lists, such as shown in figure 8 (col. 28, ll. 34-52), wherein the user can add and delete programs from the list (col. 28, ll. 58-64). Upon selection of the icon on the remote as discussed above, the system provides the associated favorites channel list along with category preference lists (col. 32-33, ll. 65-7). Knee teaches displaying the lists to the user on the remote control (fig. 4, labels 48A-48C, col. 30, ll. 52-55), receiving selection of the list via the remote control, and displaying the selected list (fig. 8, 19). Upon selection of the button, Knee selects a single list for the user, but is silent on identifying plural lists corresponding to the user. Herz teaches using moods to provide additional lists to the user (col. 45, ll. 30-33), wherein the user can select from a plurality of user-defined lists, based on their mood (col. 17, ll. 45-65). Therefore, it

Art Unit: 2611

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee by providing a plurality of lists as taught by Herz in order to enable the user to select their mood thereby providing more desirable programming to the user. Knee teaches a microcontroller 16, which accesses and provides EPG data (col. 10, ll. 22-33), which equates to an EPG controller.

4. Claims 33 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,589,892 to Knee et al. (Knee) and U.S. Patent 5,758,257 to Herz et al. (Herz) in view of U.S. Patent 5,986,650 to Ellis et al. (Ellis)

Regarding claims 33 and 35, Knee is silent on providing an indication at the completion of a cycle. Ellis teaches providing a passive indication when the cycle is completed by stop scanning and tuning to the start channel (col. 11, ll. 4-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee by providing a passive indication to the user when the user completes a cycle as taught by Ellis in order to provide feedback to the user and thereby denote when the cycle has been complete.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


6. U.S. Patent 5,528,304 to Cherrick et al. teaches adding and deleting programs from a guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk



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PRIMARY EXAMINER